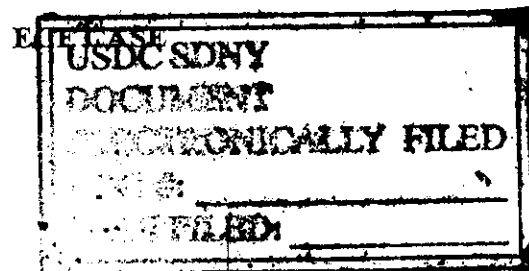


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENERAL PRODUCT INTERNATIONAL,)
LTD.,)
Plaintiff,) Civil Action 07 CIV. 8164 SCR
vs.) (GAY)
LINENS HOLDING COMPANY, et al.)
Defendant(s))
)
)
)
)
)



CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER

1. This case is to be tried to a jury.
2. Initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) shall be exchanged by July 25, 2008.
3. No additional parties may be joined after September 15, 2008.
4. No pleading may be amended after September 29, 2008
5. All discovery, *including expert discovery*, must be completed on or before January 16, 2009.
The parties must select and disclose their experts' identities and opinions, as required by Fed. R. Civ. P. 26(a)(2)(B), *well before* the expiration of the discovery period. Expert reports on behalf of the party bearing the burden of proof on the issue that is the subject of the report must be served no later than November 17, 2008. Rebuttal expert reports must be served no later than December 19, 2008. Expert depositions must be completed by January 16, 2009.
6. The following discovery is necessary in order for the parties to be able to consider settlement prior to the completion of all discovery: The Varimpo defendants' sales records, sales volume and pricing of bra washing apparatus on a monthly basis from May 2007 through June

2008, and it will be completed no later than August 15, 2008, after which the parties may request a settlement conference.

7. Any *in limine* motions, as well as proposed *voir dire* questions and proposed jury instructions, shall be served and filed no later than 60 days after the close of discovery. No pretrial order will be required unless specifically ordered by the Court.

8. No motion for summary judgment may be served after the date the pre-trial submissions are due. *The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pre-trial submissions on the assigned date in the absence of an Order providing such relief.* Any opposition to a summary judgment motion shall be served and filed no later than 60 days after service of the motion; reply papers, if any, shall be served and filed no later than 10 days after service of the opposition. Page limits for such motions are governed by the designated Magistrate Judge's individual practices.

8. Discovery disputes will be resolved under the White Plains Magistrate Judges' standard Discovery Order. The existence of a discovery dispute will not result in any extension of the discovery deadline or trial-ready date.

9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time this order is entered. Counsel should not assume that extensions will be granted as a matter of routine.

10. Counsel must confer about the prospect of consenting to the jurisdiction of the designated Magistrate Judge for all purposes, including trial, pursuant to 28 U.S.C. §636(c). If the parties consent, then all proceedings, including trial, will take place before the designated Magistrate Judge. Consent forms for this purpose are available on the Court's website, and consent may occur at any time during the proceedings.

11. Any request for a Markman hearing shall be made no later than November 14, 2008. In the event a Markman hearing is requested, the Court will set a schedule for briefing and hearing at that time.

12. Depositions shall not proceed concurrently.

13. No interrogatories are to be served by counsel after November 14, 2008, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

14. If required, counsel are to agree on a protective order for any confidential information.

Dated: 7/14/08

White Plains, New York

Telephone Conference scheduled for
1-6-09 at 9:15, Plaintiff
Shall initiate the call to chambers. DA/oxf

SO ORDERED:

George A. Yanthis
George A. Yanthis
United States Magistrate Judge